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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00500 HRL
)	
Plaintiff,)	
)	UNITED STATES' SENTENCING
v.)	MEMORANDUM
)	
ARIEL ARELLANO-DIAZ,)	
a/k/a JUAN ANTONIO GOMEZ,)	Date: November 8, 2007
)	Time: 9:30 a.m.
Defendant.)	
)	

On August 8, 2007, the defendant pled guilty to the sole count of an information charging him with fraud and related activity in connection with identification documents, in violation of Title 18, United States Code, Section 1028(a)(4). He is scheduled to be sentenced on November 8, 2007. The government has reviewed the Presentence Report ("PSR") and has no objection to the factual basis and the Sentencing Guideline calculation contained in the report. For the reasons stated below, the government concurs with Probation Officer Waseem Iqbal's recommendation that the defendant receive a sentence of five years of probation, reside in a half-way house as a condition of probation, and pay a \$4,000 fine.

U.S.' SENTENCING MEMORANDUM

1 The government believes that the sentence outlined above, which takes into account the
 2 calculations under the Sentencing Guidelines and the factors cited in 18 U.S.C. § 3553(a), is
 3 reasonable and achieves the goals of sentencing.

4 First, the defendant's conduct is extremely serious. He assumed the identity of the victim and
 5 applied for a United States passport. Furthermore, the defendant has adhered to this fraudulent
 6 identity in all aspects of his life, including opening a business and owning a home. Although the
 7 victim did not submit an impact statement, the government is extremely concerned about the
 8 defendant's continued use of the victim's information, and urges the Court to impose a special
 9 condition of probation that the defendant remove the victim's identifying information (i.e. Social
 10 Security number) from his financial records.

11 Unfortunately, this is not the defendant's first brush with the law. He has four misdemeanor
 12 convictions for offenses that include providing false identification to a peace officer. PSR, ¶¶
 13 28-31.

14 Nevertheless, as the PSR indicates, the defendant had a difficult childhood and has risen
 15 above his challenging circumstances to become a hardworking individual. He has a successful
 16 construction company, and is providing for the son of his significant other. PSR, ¶ 43.
 17 Therefore, the government concurs with the Probation Officer Iqbal's sentencing
 18 recommendation with one exception. Officer Iqbal recommends that the defendant serve six
 19 months in a half-way house. The government has spoken to defense counsel about this provision
 20 at length, and given the defendant's family responsibilities, the government recommends that the
 21 defendant serve two months in a half-way house. Finally, the government concurs with Officer
 22 Iqbal that a fine of \$4,000 is warranted. PSR, ¶ 60. The Court is required to impose a special
 23 assessment of \$25.00.

24 Dated: 11/7/07

Respectfully submitted,

SCOTT N. SCHOOLS
 United States Attorney

/s/
 SUSAN KNIGHT
 Assistant United States Attorney

U.S.' SENTENCING MEMORANDUM